

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MILLENNIUM FUNDING, INC., et al,

Plaintiffs,

v.

WICKED TECHNOLOGY LIMITED et al.,

Defendants.

Civil Action No. 1:21-cv-00282-RDA-TCB

CONSENT ORDER FOR DISMISSAL AND INJUNCTION

As attested to by the below signatures of counsel for the Plaintiffs MILLENNIUM FUNDING, INC., EVE NEVADA, LLC, HUNTER KILLER PRODUCTIONS, INC., BODYGUARD PRODUCTIONS, INC., GUNFIGHTER PRODUCTIONS, LLC, MILLENNIUM IP, INC., VOLTAGE HOLDINGS, LLC, HB PRODUCTIONS, INC., KILLING LINK DISTRIBUTION, LLC, LHF PRODUCTIONS, INC., RAMBO V PRODUCTIONS, INC., NIKOLA PRODUCTIONS, INC., OUTPOST PRODUCTIONS, INC., WONDER ONE, LLC and 42 VENTURES, LLC (collectively, “Plaintiffs”) and Defendants WICKED TECHNOLOGY LIMITED and VPN.HT Limited (collectively, “Wicked Entities”) and , MOHAMED AMINE FAOUANI (“Faouani” and together with the Wicked Entities “Wicked Defendants”) (all collectively, “Parties”), this matter comes before the Court on the parties’ Consent Order for a Dismissal and Injunction.

Plaintiffs have filed a First Amended Complaint [Doc. #7] alleging that that The Wicked Defendants are liable for direct copyright infringements in violation of 17 U.S.C. §§ 106 and 501, violations under the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 1202, secondarily

liable for direct copyright infringements and violations under DMCA, injunctive relief pursuant to 17 U.S.C. §§ 512(j), trademark infringement in violation of Section 32(1) of the Lanham Act (15 U.S.C. § 1114(1)) and for unfair competition in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)).

The parties, after conferral and investigation, now appear, through counsel to fully and finally resolve all claims between the parties and the matters before the Court and have moved for entry of this Order and Injunction.

WHEREFORE IT IS HEREBY STIPULATED AND ORDERED for all matters relevant to this case between the parties as follows:

1. Personal Jurisdiction. The Wicked Entities agree that the Court has personal jurisdiction solely for the purposes of this consent order.
2. Stipulated Injunction. Pursuant to stipulation of the parties, the below Injunction and Order is to be entered against the Wicked Entities.

PERMANENT INJUNCTION

3. Technical Measures. Within 30 days of entry of this order, the Wicked Entities are ORDERED to use their best efforts to implement technological measures designed to prevent subscribers of the VPN.ht VPN service (“Wicked’s VPN”) from using the BitTorrent protocol with Wicked’s VPN servers in the United States.

4. Logs for US Servers. Within 30 days of entry of this order, the Wicked Entities are ORDERED to store log records of the Internet Protocol (“IP”) addresses tied to servers in the United States under their control that subscribers of Wicked’s VPN use and to retain said log records for at least 12 months on a rolling basis. Said log records shall include the identification information of the subscriber as stored in the records for the Wicked Entities.

5. Disclosure of Log Entries. In the event that Plaintiffs have confirmed infringement of the copyright protected works set forth in Exhibit 1 to the Amended Complaint (Dkt. No. 007) by a subscriber to Wicked's VPN, and upon request by Plaintiffs, the Wicked Entities shall provide to Plaintiffs the log entries pertaining to such subscriber in respect of the claimed infringement. For administrative efficiency, all such requests by Plaintiffs shall be identified and combined in a single spreadsheet and submitted to the Wicked Entities not more than once per month.

6. Dissolution of TRO and Preliminary Injunction. The Court's order of April 8, 2021 ("TRO") and the Court's order of April 21, 2021 ("Preliminary Injunction") are hereby dissolved in their entirety to the extent they pertain to Defendants WICKED TECHNOLOGY LIMITED, VPN.HT Limited, and MOHAMED AMINE FAOUANI.

7. Un-Freeze Paypal Account. Paypal is hereby ORDERED to remove all restrictions and un-freeze all funds and Paypal accounts associated with Defendants WICKED TECHNOLOGY LIMITED, VPN.HT Limited, and MOHAMED AMINE FAOUANI and non-party Wicked Technology UAE.

8. Costs and Fees. Each party shall bear their own costs and fees.

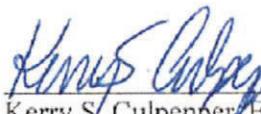
(continued)

9. Termination of Defendants. With entry of this Order, this matter is terminated with respect to Defendants WICKED TECHNOLOGY LIMITED, VPN.HT Limited, and MOHAMED AMINE FAOUANI.

IT IS SO ORDERED.

Dated _____, 2021

HON. ROSSIE D. ALSTON, JR.
UNITED STATES DISTRICT JUDGE


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